



NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510

212970

James R. Paschall
General Attorney

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January 4, 2005

ENTERED
Office of Proceedings

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

JAN 10 2005
Office of
Public Record

Re: STB Docket No. AB-290 (Sub-No. 259X), Tennessee Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company - Abandonment Exemption - Nick's Creek, TN to Devonia, TN, In Anderson and Campbell Counties, Tennessee

Dear Mr. Williams:

Enclosed is the original and ten copies of a letter from Herbert L. Harper, Executive Director and Deputy State Historic Preservation Officer, Tennessee Historical Commission, concerning the above proceeding in which he states, "THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTY AFFECTED BY THIS UNDERTAKING."

Yours very truly,

James R. Paschall

Enclosures



December 17, 2004

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550



Mr. James R. Paschall
Norfolk Southern
Three Commercial Place
Norfolk, Virginia, 32510-2191

RE: STB, AB-290 (SUB NO 259X), CAMPBELL, ANDERSON COUNTY

Dear Mr. Paschall:

In response to your request, received on Thursday, December 9, 2004, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

After considering the documents you submitted, we determine that THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING. We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

